



Legislation Details (With Board Report)

File #: ORD 17-008 **Name:** Adopt Emergency Ordinance Lapis Rd
Type: Ordinance **Status:** Passed
File created: 9/12/2017 **In control:** Board of Supervisors
On agenda: 9/19/2017 **Final action:** 9/19/2017

Title: Adopt an urgency ordinance, to take effect immediately and remain in effect until and through November 30, 2017, to prohibit parking between the hours of 10:00 a.m. and 6:00 p.m. on the entirety of Lapis Road in the unincorporated area of the County of Monterey and establish a tow-away zone, authorizing the immediate removal of vehicles that violate this no-parking restriction. (4/5th vote required)
Proposed CEQA action: statutory exemption per CEQA guidelines section 15269(c)

Sponsors: Public Works / RMA

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment 1 - Ordinance, 3. Completed Board Order

Date	Ver.	Action By	Action	Result
9/19/2017	1	Board of Supervisors		

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Proposed CEQA action: statutory exemption per CEQA guidelines section 15269(c)

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt an urgency ordinance, to take effect immediately and remain in effect until and through November 30, 2017, to prohibit parking between the hours of 10:00 a.m. and 6:00 p.m. on the entirety of Lapis Road in the unincorporated area of the County of Monterey and to establish a tow-away zone, authorizing the immediate removal of vehicles that violate this no-parking restriction. (4/5th vote required)

SUMMARY:

Lapis Road has become a location where homeless individuals are living in vehicles for extended periods of time. On August 29, 2017, the Board of Supervisors adopted a resolution granting permission, for purposes of enforcement pertaining to certain sections of the Penal Code, for parking of certain types of vehicles along the shoulder of and within the right-of-way for Lapis Road between the hours of 6:00 p.m. and 10:00 a.m., until the earlier of 10:00 a.m. on November 30, 2017 or the operational date of a Safe Parking Program by Monterey County. This urgency ordinance implements the Board’s resolution and protects the public peace, health, and safety by prohibiting parking between the hours of 10:00 a.m. and 6:00 p.m. This urgency ordinance will go into effect immediately and remain in effect until November 30, 2017 by which time the County is expected to implement a Safe Parking Program at an alternative location with additional services for overnight parking for homeless individuals. This urgency ordinance also authorizes the towing of vehicles that violate the 10:00 a.m. to 6:00 p.m. no-parking restriction.

DISCUSSION:

This urgency ordinance is adopted pursuant to Article XI, section 7 of the California Constitution, subdivision (d) of section 25123 of the California Government Code, and sections 22507 and 22651 of the California Vehicle Code for the immediate preservation of the public peace, health, and safety of the residents of the County of Monterey. As part of this emergency ordinance action, the Board of Supervisors makes the following findings:

- a) Homelessness is a serious and ongoing problem within the County of Monterey which requires immediate action by the Board of Supervisors for the preservation of the public peace, health, and safety.
- b) According to the 2017 Monterey County Homeless Census and Survey, the homeless population within the County of Monterey has increased, with a third of individuals who experience homelessness sleeping in vehicles.
- c) Lapis Road is a County road just north of the City of Marina and just west of Del Monte Boulevard and east of Highway 1 in the unincorporated area of Monterey County. Homeless individuals are living in vehicles along the side of this road without appropriate services. These individuals park a variety of vehicles, including motor homes, cars, and trailers, on the shoulder of the road and use these vehicles to sleep and live in. The uncontrolled use of the road for this purpose has resulted in serious health and safety problems with the condition and use of the road and the County right-of-way, including crime and dumping of trash and refuse.
- d) The Board of Supervisors has recently directed staff to pursue short and long term solutions for homeless housing, including but not limited to, development of a Safe Parking Program, temporary warming shelter, and permanent shelter location, but these solutions are not immediately available.
- e) On August 29, 2017, pending development of the Safe Parking Program, the Board of Supervisors adopted a resolution, effective at 6 p.m. September 1, 2017, granting permission for the purposes of enforcement of California Penal Code sections 602(m) and 647(e) only, for parking of certain vehicles, as defined in California Vehicle Code sections 242 (camp trailers), 324 (“5th wheels”) and 415 (motor vehicles), along the shoulder of and within the public right-of-way for Lapis Road between its northerly intersection with Del Monte Boulevard and its southerly intersection also with Del Monte Boulevard, but not including any portion of the private road leading to the Cemex plant, between the hours of 6:00 p.m. and 10:00 a.m., subject to compliance with all other laws, including those requiring valid registration, prohibiting littering and dumping of trash and refuse, and prohibiting the blockage or interference with the free passage of vehicles along Lapis Road. Said permission is effective only until the earlier of 10:00 a.m. on November 30, 2017, or the operational date of a Safe Parking Program by Monterey County. The Board of Supervisors also directed staff to develop and implement appropriate guidelines and regulations to implement the resolution.
- f) To implement the Board’s resolution for temporary permission for nighttime parking only on Lapis Road and to prevent the immediate threat to the public peace, health and safety that would arise if such parking were to be allowed all day, it is necessary to adopt this urgency ordinance to prohibit the stopping, parking, or leaving standing of any vehicle on Lapis Road between the hours of 10: 00 a.m. and 6:00 p.m. and to authorize removal of vehicles that violate this prohibition.
- g) This urgency ordinance is intended to have limited duration, until and through November 30, 2017, whereupon it is expected that the Board will have adopted a Safe Parking program with an alternative location with additional services for overnight parking.
- h) This urgency ordinance is statutorily exempt from the California Environmental Quality Act pursuant to section 15269(c) of the CEQA Guidelines because it is necessary to mitigate an immediate threat to public peace, health, and safety

This urgency ordinance is a temporary measure to address an immediate problem. Staff also intends to return to the Board with a long-term ordinance to prohibit parking at any time on Lapis Road to become effective on

December 1, 2017 at 12:00 a.m.

OTHER AGENCY INVOLVEMENT:

This urgency ordinance was developed in coordination with the Office of County Counsel. County Counsel has approved this urgency ordinance as to form.

FINANCING:

Sufficient funds are available in the Road Fund 002, Unit 8195 to finance the approximately \$5,000 cost to install signs indicating the parking restrictions.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

By minimizing public nuisance, this item supports the Board's efforts to enhance public safety

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Donald D. Searle, RMA Deputy Director for Public Works & Facilities

Approved by: Carl P. Holm, AICP, RMA Director

Attachments:

Attachment 1 - Ordinance

(Attachments on File with the Clerk of the Board)